

Karas, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALFRED MEYERS, INC.,

Plaintiff,

v.

D'ANNUNZIO & CO., LLC; D'ANNUNZIO  
& CO., INC., D'ANNUNZIO  
DISTRIBUTION, INC. and PHILART, INC.,

Defendants.

Civ. No.: 07-CV-3254 (RMK)

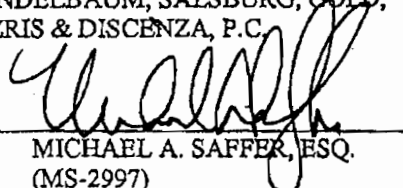
Civil Action

**STIPULATION WITHDRAWING  
DEFENDANTS' REQUEST FOR A  
PRE-MOTION CONFERENCE AND  
EXTENDING THE TIME FOR THE  
FILING OF A RESPONSIVE  
PLEADING TO THE AMENDED  
COMPLAINT ON BEHALF OF  
DEFENDANTS**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that Defendants' July 30, 2007 written request for a pre-motion conference, which was scheduled for August 16, 2007 before the Honorable Kenneth M. Karas, U.S.D.J., is hereby withdrawn with prejudice as to the challenge to venue, forum *non conveniens* and personal jurisdiction; the time for Defendants to file a responsive pleading to the Amended Complaint is extended to and including August 24, 2007; Defendants waive defenses related to venue and personal jurisdiction in this action, but expressly retain the right to plead all other defenses as may be applicable.

MANDELBAUM, SALSBURG, GOLD,  
LAZRIS & DISCENZA, P.C.

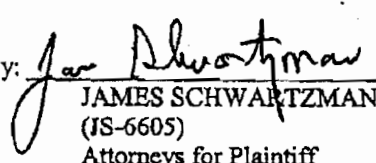
By:

  
MICHAEL A. SAFFER, ESQ.  
(MS-2997)  
Attorneys for Defendants

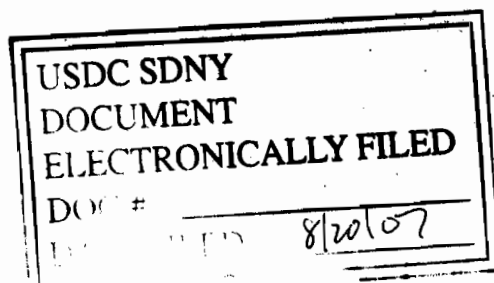
DATED: 8/16/07

MOSS & KALISH, PLLC

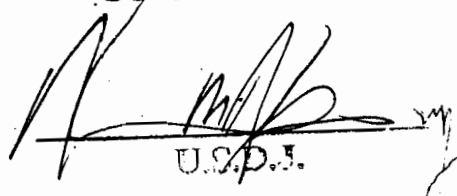
By:

  
JAMES SCHWARTZMAN, ESQ.  
(JS-6605)  
Attorneys for Plaintiff

DATED: 8/16/07



SO ORDERED:

  
U.S.D.J.